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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,942	07/25/2003	Frederick J. Kiko	EXCEL.007A	3680

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EXAMINER	
DINH, TUAN T	

ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,942	KIKO, FREDERICK J.	
	Examiner	Art Unit	
	Tuan T. Dinh	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,15-20 and 35-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,15-20,35-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/02/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, subgroup I (claims 1-6, 15-20, and 31-32) in the reply filed on 02/23/06 is acknowledged.

New claims 35-47 have been added.

Interview with Mr. Robert Gazdzinski (Reg. No. 39,990) on May 04, 2006 about the election, the subgroup I does not contain claims 31-32. Further, claim 47 is the same as claim 31 limitations, so after discussing, Mr. Gazdzinski agrees to cancel claims 31-32 without prejudice.

Note of claimed language:

Examiner is considered the term "***adapted to***" as well defined as an intended use limitation. The claim limitation, that employ phrases of the type "adapted to" is typical claim limitation, which may not distinguish over prior art according to the principle. It has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function is not positive limitation but only requires the ability to so perform, see In re Venezia, 189 USPQ 149 (CCPA) 1976).

Claim Objections

2. Claims 1-4 are objected to because of the following informalities:

Claim 1, line 5*, it is unclear. The phrase of "...according to the configuration desired by the user" is not understood. The phrase is not described the structure and not positive claimed limitation. What does applicant mean of "configuration desired by the user"?

Claim 5, line 1, change "said one electronics element" to - -said at least one electronics element - - for proper antecedence basis.

Claim 35, lines 10-11, it is unclear. The phrase of ""...according to the configuration desired by the user" is not understood. The phrase is not described the structure and not positive claimed limitation. What does applicant mean of "configuration desired by the user"? Further, the phrase of "the assembly being substantially user-configurable to achieve to said desired configuration" is not understood because there is no structure whether the configuration of the user being desired. Since the examiner does not know what does applicant mean by "configuration desired by the user"

Applicant, please clarify.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 19-20, 35-37, 39, 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (U.S. Patent 5,546,282).

As to claim 1, Hill et al. discloses an electronics assembly (telecommunication network 10, column 2, line 40) as shown in figures 1-11 comprising:

at least one electronics element (12-figure 1, column 2, lines 41-42), said at least one element having at least one circuit (components 154, 156, and 160 mounted on the module 12) disposed thereon; and

a structure (34, column 3, lines 5-6) *adapted to* receive said at least one electronics element (the cards 12) and retain said at least one element in a substantially fixed position;

said structure further comprising at least one backplane element (36,38,40,42, and 44, column 3, lines 20-64) adapted to electrically communicate with said at least one electronics element (12), said backplane element having a plurality of ports (36, 38,

40, 42, and 44) for electrical communication with other electronic devices (12), wherein said assembly (10) is further *adapted to* accommodate a varying number of said electronics elements and respective ones of said backplane elements (12).

As to claim 35, Hill et al. discloses an electronics assembly (10) as shown in figures 1-11 comprising:

a plurality of electronics elements (12) each having at least one circuit (154;156;160) disposed thereon; and

a structure (a backplane 34) adapted to receive said electronics elements (12) and retain said elements in a substantially fixed position; said structure further comprising a plurality of backplane elements (36,38,40,42, and 44) adapted to electrically communicate with respective ones of said electronics elements (12), said backplane elements having a plurality of ports, wherein said assembly (10) is further adapted to accommodate a varying number of said plurality of electronics elements (12) and respective ones of said backplane elements (12).

As to claims 2, 36, Hill et al. discloses said plurality of ports (36,38,40,42) comprises at least one pigtail connector (the coaxial cable connector is used for digital telecommunication network is type of optical connector or pigtail connector).

As to claims 3, 37, Hill et al. discloses said one electronics element comprises a substrate (50) having at least one circuit (156) disposed nonlinearly on opposing sides.

As to claims 5, 39, Hill et al. discloses said at least one electronics element (12) is configured to substantially separate a plurality of electrical circuits (154, 156, and 160) disposed thereon.

As to claims 19, 45, Hill et al. discloses a backplane assembly (10) as shown in figures 1-11, comprising:

a first electrical connector and a plurality of second connectors (44);

a first substrate (12) *adapted to* receive at least part of said first connector; a second substrate (12) adapted to receive at least a portion of each of said second connectors (44); structure components (36, 38, 40, 42 maintaining said first and second substrates in substantially fixed relationship, and

an electrical interface (front surface of the backplane 34) disposed substantially between said first and second substrates (12); wherein said electrical interface provides electrical connection between said first connector and at least a portion of said second connectors (44).

As to claims 20, 46, Hill et al. discloses said electrical interface comprises a flexible substrate having conductive traces disposed along its surfaces and propagating between corresponding termination points for said first and second substrates.

5. Claims 15-16, 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Plotts et al. (U.S. Patent 6,485,192).

As to claim 15, 41, Plotts discloses a backplane element as shown in figure 5, comprising:

a first multi-terminal connector (36) disposed substantially juxtaposed to a second multi-terminal connector (36), see column 4, line 39;

a connector cable (62), said cable electrically mated to a pigtail connector (163); a third multi-terminal connector (front connector of the housing 120) *adapted to* interface with terminals of an electronics insert element associated with said backplane element; and

an interface element (board or substrate 80) disposed electrically between said third connector and said first, second, and pigtail connectors.

As to claims 16, 42, Plotts discloses said first multi-terminal connector (36) is *adapted for use* (intended use) as a plain old telephone system (POTS) signal interface; said second multi-terminal connector is *adapted for use* as an outside plant interface; and said pigtail connector *is adapted to provide* electrical communication with a DSL access multiplexer (DSLAM).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 4, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (U.S. Patent 5,546,282) in view of Blanset et al. (U.S. Patent 6,977,922).

As to claim 4, Hill et al. does not disclose said assembly is used in a DSL system, and said backplane element comprises: a first port adapted to interface

electrically with a POTS entity; and a second port adapted to electrically interface with a DSLAM.

Blanset et al. shows a system as shown in figures 1-17 comprising a system being a in a DSL system having a backplane (60) having ports adapted to interface electrically with a POTS and DSLAM.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a teaching of Blanset et al. employed in the assembly of Hill et al. in order to provide high speed data traffic as a local loop designed with an ATM network.

8. Claims 6, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. ('282) in view of De Bruycker et al. (U.S. Patent 6,272,219).

As to claim 6, Hill et al. does not disclose said at least one circuit comprising one or more DSL splitter circuits.

De Bruycker et al. shows an access network with an integrated splitter as shown in figures 1-7 comprising a DSL splitter.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a teaching of De Bruycker et al. employed in the assembly of Hill et al. in order to provide very high speed, appropriate filtering, and eliminate the need for additional wiring in the customers house.

9. Claims 17-18, 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotts ('192) in view of Grimes et al. (U.S. Patent 6,402,393).

Plotts discloses all of the limitations of the claimed invention, except for a plurality of capacitive elements disposed proximate said backplane element, said capacitive elements adapted to provide the high-pass filter functionality.

Grimes et al. teaches an interconnection system as shown in figures 1-5 comprising a plurality of capacitive elements disposed proximate said backplane element, see column 5, lines 1-36.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a teaching of Grimes et al. employed in the backplane element of Plotts in order to provide high or low pass filter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Dinh whose telephone number is 571-272-1929. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuan Dinh
May 04, 2006.